

REMARKS

The Office Action of July 5, 2007 has been carefully reviewed.

Claim Objections

Claims 1 and 2 have been amended as proposed by the Examiner to address the Examiner's objections of claims 1-20.

Claim Rejections -- 35 U.S.C. §112

Claim 6 has been amended as proposed by the Examiner to address the rejection under 35 U.S.C. §112.

Claim Rejections-35 U.S.C. §103

The Examiner has incorrectly cited U.S. patent 7,120,762 (serial number 10/037,041) as prior art. This patent is the inventor's own work and was originally published April 24, 2003 less than one year before the priority date of the present application of February 10, 2003. Thus it is not statutory prior art. Nor is this patent admitted prior art, again, because it is the inventor's own work and the applicant has not labeled it as prior art. See generally, MPEP 2129(I) which states:

However, even if labeled as "prior art," the work of the same inventive entity may not be considered prior art against the claims unless it falls under one of the statutory categories. Id.; see also Reading & Bates Construction Co. v. Baker Energy Resources Corp., 748 F.2d 645, 650, 223 USPQ 1168, 1172 (Fed. Cir. 1984) ("[W]here the inventor continues to improve upon his own work product, his foundational work product should not, without a statutory basis, be treated as prior art solely because he admits knowledge of his own work. It is common sense that an inventor, regardless of an admission, has knowledge of his own work.").

For this reason the Examiner has failed to make a prima facie case for rejecting the current claims, and the final rejection must be retracted.

Response to Examiner's Latest Remarks

The Examiner is respectfully requested to reconsider the rejection of claims 1, 10, 11, 16, 17-20, and 23 under 35 U.S.C. §103(a) as being unpatentable over Srinivas.

The Applicant believes that Srinivas fails to teach:

- (a) a conflict resolution circuit in addition to a processor unit;
- (b) the detection of a critical section; and
- (c) establishing a priority between processing units having a conflicting need to write data to a critical section.

With respect to (a), the present claims require "conflict resolution circuits" associated with "processor units". Srinivas teaches only processing units (300, 301) and does not teach or suggest a conflict resolution circuits associated with these processing units.

The Examiner suggests that a conflict resolution circuit is implicit in Srinivas in order to resolve contention. However, as noted in the Abstract cited by the Examiner, Srinivas uses a "locking routine" executed on the processor units to prevent contention. As indicated at column 2, lines 50-51 the locking and unlocking routines may each be ten or more instructions long. These instructions are executed on the standard processing units described by Srinivas. Because Srinivas expressly provides a alternative to a conflict resolution circuit (i.e., software executing on the processing unit itself) to resolve contention, a conflict resolution circuit cannot be implicit in Srinivas.

For these reasons, a conflict resolution circuit is neither express nor implied in Srinivas.

With respect to (b), the Examiner suggests that detection of critical sections is implicit in Srinivas because a critical section is where shared data is stored and Srinivas does work with shared data (linked lists). This is incorrect because software locks, of the type used by Srinivas, allow shared memory to be accessed without any knowledge of whether the memory is shared. The processing of a lock instruction in itself does not imply detection of a critical section anymore then reading of text would imply a detection of the language of the text. Some processing of the data to determine a critical section and some express or implicit use of that detected critical section must be demonstrated. The Applicant can find no indication in Srinivas that there is any mechanism for detecting a critical section or any reason for needing to detect a critical section. Note further that the claim does not simply require detecting a critical section but that the detection of the critical section be done by a "conflict resolution circuit".

With respect to (c) the Examiner suggests that it is implicit that Srinivas establishes a priority between processor units to resolve a conflict without the use of a lock. This oversimplifies the claim language. The priority must be established by a conflict resolution circuit not implicit in an execution of a lock sequence being part of a software program on the processor unit. Srinivas teaches away from establishing a priority without the use of a lock by expressly teaching resolving conflicts with a lock. See the Abstract of in Srinivas noting that when there are contentions, locking routine are used. The Examiner incorrectly assumes that any use of a shared resource requires a priority. Srinivas clearly teaches away from this by describing a conflict free access to a shared resource (linked lists) by directing the processors to work at opposite ends of the linked list.

In light of these comments, it is believed that claims 1 through 23 are now in condition for allowance, and allowance is respectfully requested.

Although no additional fees are believed due for filing this amendment, if an additional fee is deemed to be due, please charge any fee to Deposit Account No. 50-1170.

Respectfully submitted,

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